

REMARKS

This paper is being filed in response to the Office Action mailed on January 24, 2007. Applicant wishes to thank the Examiner for the courtesies extended to applicant's undersigned attorneys in the telephone interview conducted with the Examiner on February 20, 2007. Based on the discussion during the telephone interview, applicant's claim 1 has been amended.

In the Office Action, the Examiner has objected to applicant's claims 1, 3-5 and 23-25 because of certain informalities. In particular, the Examiner has objected to the language in applicant's claim 1 that the "S-shape continuing *downwardly from* the first end at an acute angle *to said straight edge*" and has pointed out that applicant may have meant that the S-shape continues downwardly from the first end at an acute angle *from*, rather than *to*, the straight edge. Applicant has amended claim 1 to recite that the S-shape proceeds "inwardly directly from said first end...at an acute angle from said straight edge...", as suggested by the Examiner, thereby obviating the Examiner's objection.

The Examiner has also rejected applicant's claims 1, 3-5 and 23-25 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, with respect to applicant's claim 1, the Examiner has pointed out that there is insufficient antecedent basis for the limitation "said end" in lines 17-18 of applicant's claim 1. Applicant has amended claim 1 to recite "said first end," as suggested by the Examiner, thereby obviating the Examiner's rejection.

With respect to applicant's claim 25, the Examiner has argued that it is unclear how a sinuous curved edge can also be straight. Applicant has amended applicant's claim 25 to clarify the shape of the further edge. In particular, applicant's claim 25 has been amended to recite that

the further edge appears straight when projected onto a plane situated in facing relationship to the undulations of the flexible member, i.e. when viewed from above as shown in FIG. 1 of applicant's drawings. Applicant believes that applicant's claim 25 now clearly defines the further edge and is in compliance with 35 USC 112, second paragraph.

The Examiner has rejected applicant's claims 1, 3 and 25 under 35 USC 103(a) as being unpatentable over the Peterson (U.S. Patent No. 3,178,747) patent in view of the Killins (U.S. Patent No. D402,514) patent in view of the Darrin (U.S. Patent No. 1,211,098) patent. The Examiner has also rejected applicant's claims 1, 3 and 25 under 35 USC 103(a) as being unpatentable over the Killins patent in view of the Darrin patent in view of the Peterson patent. Applicant's claim 4 has been rejected under 35 USC 103(a) as being unpatentable over the Killins patent in view of the Darrin patent and the Peterson patent and in further view of the Sheridan (U.S. Patent No. 1,538,521) patent. Applicant's claim 5 has been rejected under 35 USC 103(a) as being unpatentable over the Killins patent in view of the Darrin patent, the Peterson patent and the Sheridan patent and in further view of the Houghton (U.S. Patent No. 614,810) patent. Applicant's claim 23 has been rejected under 35 USC 103(a) as being unpatentably over the Killins patent in view of the Darrin patent, the Peterson patent and the Meredith (U.S. Pat. No. 1,388,282) patent. The Examiner has found applicant's claim 24 to be allowable. Applicant has amended applicant's independent claim 1 and with respect to this claim, and its respective dependent claims, the Examiner's rejections are respectfully traversed.

Applicant's independent claim 1 has been amended to better define applicant's invention. In particular, applicant's independent claim 1 has been amended to better define the S-shape of the fingernail edge of applicant's tool for performing multiple functions as proceeding inwardly directly from the first end toward the further edge at an acute angle from

the straight edge to a valley and then proceeding outwardly away from the further edge to a rounded peak, the rounded peak including a first rounded portion proceeding outwardly away from the further edge to a peak and a second rounded portion, continuous with the first rounded portion, proceeding from the peak inwardly toward the further edge and then continuously to the second end of the fingernail edge.

As applicant's undersigned attorney discussed with the Examiner in the telephone interview on February 20, 2007, applicant believes that the cited references do not teach or suggest the fingernail edge proceeding inwardly directly from the first end of the fingernail edge toward the further edge at an acute angle. In particular, the fingernail edge, i.e. the rightmost edge, of the cleaning tool in Killins (see FIG. 3) first proceeds perpendicularly to the straight edge, i.e. the lowermost edge, in a direction substantially parallel to the further edge, i.e. the leftmost edge, and then proceeds inwardly toward the further edge. In the cited Darrin patent, the fingernail edge, i.e. upper edge (9, 15, 13, 5 and 4 in FIG. 4), intersects the straight edge (2 in FIG. 4) at an acute angle at a tip formed at reference number 12. However, the fingernail edge first proceeds slightly outwardly (at 9) from the first end (at 12) of the fingernail edge, in a direction away from the opposing edge, i.e. the lowermost edge (11, 10, 3 and 6), to a peak (15) before proceeding inwardly toward the opposing edge (15 to 13). Thus, there is no teaching in either the Killins patent or the Darrin patent of the fingernail edge proceeding inwardly directly from the first end toward the further edge at an acute angle from the straight edge to a valley.

Moreover, the combination of the Killins patent and the Darrin patent would not result in such a construction of the fingernail edge. The attached Figure shows the scraper shown in FIG. 4 of the Darrin patent (in broken lines) superimposed on the cleaner shown in FIG. 3 of

the Killins patent. As shown in the attached Figure, the combination of the Killins patent and the Darrin patent would result in the fingernail edge (rightmost edge of Killins or the upper edge 9 of Darrin) intersecting the straight edge (2 in Darrin) at an acute angle and proceeding substantially parallel to, or slightly outwardly away from, the further edge (leftmost edge of Killins or opposing edge defined by 11, 10, 3 and 6 of Darrin) directly from the straight edge to a peak and only thereafter inwardly toward the further edge to a valley. Accordingly, the Killins and the Darrin patent, taken alone or in combination, fail to teach or suggest the S-shape of the fingernail edge proceeding inwardly directly from the first end toward the further edge at an acute angle from the straight edge to a valley and then proceeding outwardly. There is nothing added in the Peterson patent to change this conclusion. Applicant, therefore, submits that applicant's amended independent claim 1, and its respective dependent claims, patentably distinguish over the Killins, the Darrin patent and the Peterson patents.

Moreover, the cited references do not disclose or suggest the rounded peak portion of the fingernail edge that follows the valley portion and which includes a first rounded portion proceeding outwardly away from the further edge to a peak and a second rounded portion, continuous with the first rounded portion, proceeding from the peak inwardly toward the further edge and then continuously to the second end of the fingernail edge. In particular, the Examiner has argued in the Office Action and during the telephone interview that the fingernail edge, i.e. the rightmost edge, of the cleaning tool shown in FIG. 3 of the Killins patent includes a rounded peak at the top portion of the fingernail edge preceding a tip formed at the top of the fingernail edge. However, as applicant's undersigned attorney pointed out during the telephone interview, the fingernail edge in the Killins patent proceeds outwardly from a valley and then levels out before reaching the tip at the top of the fingernail edge, which is angular and is not

rounded. Thus, applicant believes that the fingernail edge in the Killins patent only includes one rounded portion proceeding outwardly from the valley away from the further edge to a peak, and that there is no teaching or suggestion in the Killins patent of the second rounded portion continuous with the first rounded portion, proceeding from the peak inwardly toward the further edge and then continuously to the second end of the fingernail edge. Moreover, neither the Darrin patent nor the Peterson patent show such construction of the fingernail edge.

Accordingly, applicant again submits that applicant's amended independent claim 1, which recites the rounded peak including a first rounded portion proceeding outwardly away from the further edge to a peak and a second rounded portion continuous with the first rounded portion, proceeding from the peak inwardly toward the further edge and then continuously to the second end of the fingernail edge, and its respective dependent claims, patentably distinguish over the Killins patent taken alone or in combination with the Darrin and the Peterson patents.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicant's counsel at (212) 790-9286.

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Respectfully submitted,



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